

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

EDJUAN C. SCOTT,

Plaintiff,

v.

VALLADALIO, *et al.*,

Defendants.

Case No. 1:20-cv-00705-AWI-BAM (PC)

**ORDER DISMISSING ACTION WITHOUT
PREJUDICE FOR FAILURE TO PAY FILING
FEE AND FAILURE TO OBEY COURT
ORDER**

(ECF No. 10)

Plaintiff Edjuan C. Scott (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

On May 27, 2020, the assigned Magistrate Judge issued findings and recommendations recommending that Plaintiff’s application to proceed *in forma pauperis* be denied and that he be required to pay the \$400.00 filing fee in full to proceed with this action. (ECF No. 7.) Plaintiff filed a renewed motion to proceed *in forma pauperis* on May 27, 2020, (ECF No. 8), and objections to the findings and recommendations on June 4, 2020, (ECF No. 9).

On October 8, 2020, the undersigned issued an order adopting the findings and recommendations in full and ordering Plaintiff to pay the \$400.00 filing fee in full within twenty-one (21) days to proceed with this action. (ECF No. 10). Plaintiff was warned that if he failed to pay the filing fee within the specified time, the action would be dismissed without further notice. (Id. at 2.)

1 The deadline to pay the filing fee has expired, and Plaintiff has failed to pay the filing fee
2 or otherwise communicate with the Court. Because Plaintiff has failed to obey the Court's order
3 and pay the appropriate filing fee, this case cannot proceed. This matter will be dismissed. See
4 Ferdik v. Bonzelet, 963 F.2d 1258, 1260–61 (9th Cir. 1992).

5
6 **ORDER**

7 Accordingly, IT IS HEREBY ORDERED that this action is dismissed, without prejudice,
8 for Plaintiff's failure to comply with the Court's order of October 8, 2020, (ECF No. 10), and his
9 failure to pay the filing fee.

10 IT IS SO ORDERED.

11 Dated: December 3, 2020

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13 SENIOR DISTRICT JUDGE
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